

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 138 be amended to read as follows:

- 1           Page 5, after line 9, begin a new paragraph and insert:  
2           SECTION 4. IC 3-11-8-11, AS AMENDED BY P.L.221-2005,  
3           SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           UPON PASSAGE]: Sec. 11. (a) When the hour for closing the polls  
5           occurs, the precinct election board shall permit all voters who:  
6           (1) have passed the challengers and who are waiting to announce  
7           their names to the poll clerks for the purpose of signing the poll  
8           list;  
9           (2) have signed the poll list but who have not voted; or  
10          (3) are in the act of voting;  
11          to vote. In addition, the inspector shall require all voters who have not  
12          yet passed the challengers to line up in single file within the chute. The  
13          poll clerks shall record the names of the voters in the chute, and these  
14          voters may vote unless otherwise prevented according to law.  
15          (b) This subsection applies if a court order (or other order) has  
16          been issued to extend the hours that the polls are open under section 8  
17          of this chapter. ~~As provided in 42 U.S.C. 15482;~~ The inspector shall  
18          identify the voters who would not otherwise be eligible to vote after the  
19          closing of the polls under subsection (a) and shall provide a:  
20          (1) provisional ballot to **each of the voters described in this**  
21          **subsection** in accordance with IC 3-11.7; **or**  
22          (2) **regular ballot to each of the voters described in this**  
23          **subsection if there are no candidates for election to a federal**  
24          **office on the ballot.**  
25          Page 6, after line 1, begin a new paragraph and insert:  
26          SECTION 7. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006,  
27          SECTION 121, IS AMENDED TO READ AS FOLLOWS  
28          [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As provided by 42 U.S.C.  
29          15482, this section applies to the following individuals:  
30          (1) An individual:  
31                  (A) whose name does not appear on the registration list; and  
32                  (B) who is challenged under IC 3-10-1 or IC 3-11-8 after

1 the voter makes an oral or a written affirmation under  
2 IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a  
3 certificate of error under IC 3-7-48-1.  
4 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5,  
5 or IC 3-11-8-27.5 who is challenged as not eligible to vote.  
6 (3) An individual who seeks to vote in an election as a result of  
7 a court order (or any other order) extending the time established  
8 for closing the polls under IC 3-11-8-8.  
9 (b) As required by 42 U.S.C. 15483, a voter who has registered to  
10 vote but has not:  
11 (1) presented identification required under 42 U.S.C. 15483 to  
12 the poll clerk before voting in person under IC 3-11-8-25.1; or  
13 (2) filed a copy of the identification required under 42 U.S.C.  
14 15483 to the county voter registration office before the voter's  
15 absentee ballot is cast;  
16 is entitled to vote a provisional ballot under this article.  
17 (c) A precinct election officer shall inform an individual described  
18 by subsection (a)(1) or (a)(2) that the individual may cast a provisional  
19 ballot if the individual:  
20 (1) is eligible to vote under IC 3-7-13-1;  
21 (2) submitted a voter registration application during the  
22 registration period described by IC 3-7-13-10 (or IC 3-7-36-11,  
23 if the voter registered under that section); and  
24 (3) executes an affidavit described in IC 3-10-1-9 or  
25 IC 3-11-8-23.  
26 (d) A precinct election officer shall inform an individual described  
27 by subsection (a)(3) that the individual may cast a provisional ballot.  
28 **However, if there are no candidates for election to a federal office**  
29 **on the ballot, the individual shall be given a regular ballot instead**  
30 **of a provisional ballot.**  
31 Page 6, after line 3, begin a new paragraph and insert:  
32 SECTION 9. **An emergency is declared for this act.**

(Reference is to SB 138 as printed February 23, 2007.)

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Senator ERRINGTON